

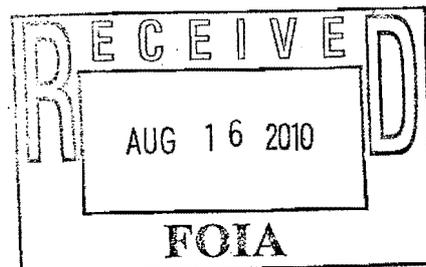
10. .625

*John
AC
JCS*

AUG 09 2010



SK9 Scottish Terrier Rescue



April 23, 2010
July 29, 2010 third request

Dr. Godentyer
United States Department of Agriculture – Animal Care
920 Main Campus Dr. Suite 200
Raleigh, NC 27606

SEP 14 2010

Dear Dr. Godentyer:

I mailed a request for information to your office in January, 2010 asking for **copies of all citations and violations issued by USDA on the Ohio licensed dog breeders**. If no citation or violations were issued, could you explain when the USDA would take action and issue citations or violations?

- Enclosed are your inspection's on Ervin Raber, showing he continues to violate federal laws, however, action has never been taken.
- Also, according to your guidelines, a plan of veterinarian care must be provided your agency. Please send all copies addressing this care for Ervin Raber.

"Once APHIS has evidence of animals suffering in a regulated facility, a notice of intent to confiscate is given to the facility. If they fail to remedy the situation in a short period of time, authorization is obtained from the APHIS Administrator to confiscate the animals in question. In some cases, APHIS negotiates with a facility to surrender the animals directly to an outside organization to simplify the process"

Under the Freedom of Information Act we are requesting copies of this information requested.. If any cost are involved, please forward this information to the address below and the funds will be sent. This is our THIRD request.

Sincerely,

Zaron Van Meter
SK9 Scottish Terrier Rescue
PO Box 21304
Columbus, Ohio 43221

SEP 14 2010

AUG 09 2010

USDA United States Department of Agriculture
Animal and Plant Health Inspection Service



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Search

Name And Certificate

Ervin Raber --ALL--
 Name Customer # (batchable (123,456)) Certificate ID (61-A-1234) Customer Type Active Only

Business Address

Business Address City --ALL-- State Zip Code

Inspection Information

(MM/DD/YYYY) Inspection Start Date (MM/DD/YYYY) Inspection End Date --ALL-- CFR Section Code

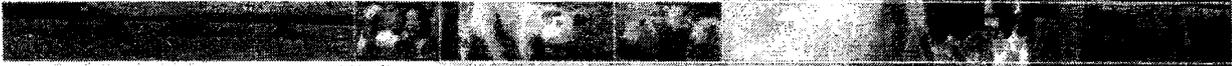
Results

Reports	Cust No.	Certificates	Legal Name/ Box 1	DBA	Bus. Address	Fiscal Years Annual Report Data On File
	24536	31-A-0124 Start Date: 08 Jan 2004 End Date: 08 Jan 2011 ACTIVE	ERVIN RABER	GOLDEN VIEW KENNELS	2039 TR 116 BAL TIC, OH 43804	
	30020	31-A-0157 Start Date: 31 Jan 2005 End Date: 31 Jan 2011 ACTIVE	ERVIN RABER	LONG LANE KENNEL	1917 TR 110 MILLERSBURG, OH 44654	
	32826	31-A-0220 Start Date: 23 Aug 2005 End Date: 23 Aug 2011 ACTIVE	MERVIN RABER		7310 TR 668 MILLERSBURG, OH 44654	

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USDA United States Department of Agriculture
Animal and Plant Health Inspection Service



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Inspection Reports: 24536

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	Inspection Date	Inspection Type	Inspector
	Jan 8, 2009	ATTEMPTED INSPECTION	TRACY GAVIDIA, A C I
	Jan 9, 2008	ROUTINE INSPECTION	TRACY GAVIDIA, A C I

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AUG 09 2007



Inspection Report

ERVIN RABER
GOLDEN VIEW KENNELS
2039 TR 116

Customer ID: 24536
Certificate: 31-A-0124
Site: 001

AUG 09 2009

GOLDEN VIEW KENNELS

Type: ROUTINE INSPECTION

BALTIC, OH 43804

Date: Jan-21-2009

2.7 (b)

ANNUAL REPORT BY LICENSEES.

Sec. 2.7 Annual report by licensees.

(b) A person licensed as a dealer shall set forth in his or her license renewal application and annual report the dollar amount of business, from the sale of animals, upon which the license fee is based, directly or through an auction sale, to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, by the licensee during the preceding business year (calendar or fiscal), and any other information as may be required thereon.

Information submitted and certified as accurate on the annual report for the license renewal does not correspond to the information gathered from the records maintained. The records indicate that the numbers of animals bought and sold is significantly greater than the number listed on the renewal report. The numbering of animals included on the 7006 forms includes many duplicate numbers which has led to an under-reported number of dogs.

The information in the records needs to be accurately maintained so correct numbers are reported in the annual renewal and report.

Re-submit a correct annual report.

Correct by: February 15, 2008

2.75 (a)

RECORDS: DEALERS AND EXHIBITORS.

Subpart G_Records

Sec. 2.75 Records: Dealers and exhibitors.

Prepared By:

LORI E LINN, A C I
Title: ANIMAL CARE INSPECTOR
USDA, APHIS, Animal Care
Inspector 1080

Date:
Mar-23-2009

Received By:

(b)(6), (b)(7)(c)

Date:
Mar-23-2009



ALIG 0 9 2009

Inspection Report

(a)(1) Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under

his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

- (i) The name and address of the person from whom a dog or cat was purchased or otherwise acquired whether or not the person is required to be licensed or registered under the Act;
- (ii) The USDA license or registration number of the person if he or she is licensed or registered under the Act;
- (iii) The vehicle license number and State, and the driver's license number (or photographic identification card for nondrivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act;
- (iv) The name and address of the person to whom a dog or cat was sold or given and that person's license or registration number if he or she is licensed or registered under the Act;
- (v) The date a dog or cat was acquired or disposed of, including by euthanasia;
- (vi) The official USDA tag number or tattoo assigned to a dog or cat under Sec. 2.50 and 2.54;
- (vii) A description of each dog or cat which shall include:
 - (A) The species and breed or type;
 - (B) The sex;
 - (C) The date of birth or approximate age; and
 - (D) The color and any distinctive markings;
- (viii) The method of transportation including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;
- (ix) The date and method of disposition of a dog or cat, e.g., sale, death, euthanasia, or donation.

(2) Each dealer and exhibitor shall use Record of Acquisition and Dogs and Cats on Hand (APHIS Form 7005) and Record of Disposition of Dogs and Cats (APHIS Form 7006) to make, keep, and maintain the information required by paragraph (a)(1) of this section:

The records available at the facility for the acquisition and disposition of animals do not include complete information.

The address of the person listed as the provider of the animal for the majority of the records is missing on the form for animals received.

The USDA license/registration number or State driver's license information of the person from whom the dog was acquired is not included on the form.

There is no information listed on the disposition of the dogs; specifically missing is information including the name and

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Date:
Mar-23-2009

Received By:

(b) (6), (b) (7) (c)

Date:
Mar-23-2009

Title:



AUG 09 2009

Inspection Report

complete address as well as a complete date for the sale/removal of the animal.

Adult dogs maintained at the facility are assigned numbers by microchip but the chip number is not listed on the 7006 form at the time of sale.

There is no correspondence between the 7005 inventory/acquisition list and the list of animals sold on the 7006 forms.

Animals are assigned new numbers at the point of sale and the new number is not referenced on the inventory. This makes it difficult to confirm the disposition of dogs held under this license.

It is important to maintain accurate, fully disclosed records so that each animal can be traced to ensure the animal has been bred and sold as intended and to track animals in the case of disease outbreak through all locations housed.

Any sales or purchases of animals should be included in the records with complete information documented as required by Sec. 2.75

Correct by: Immediately

3.1 (e)

HOUSING FACILITIES, GENERAL.

Sec. 3.1 Housing facilities, general.

(e) Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leakproof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas.

There are stacks of carpet supplies on the primary enclosures of the whelping room. Stacking these items above the enclosures can result in the carpet becoming soiled and possible transfer of disease between animals in the whelping area.

All stockpiles of bedding must be stored in a manner that keeps them clean and useable for the whelping room.

Correct by: January 26, 2009

Prepared By:

LORI E LINN, A C I USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 1080

Date:
Mar-23-2009

Received By:

(b) (6), (b) (7) (C)

Date:
Mar-23-2009

Title:



AUG 09 2009

Inspection Report

3.1 (c) (1) (i)

HOUSING FACILITIES, GENERAL.

Subpart A, Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats
Sec. 3.1 Housing facilities, general.
Facilities and Operating Standards.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities including houses, dens, and other furniture-

type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come

in contact with dogs or cats must:

(i) Be free of excessive rust that prevents the required cleaning and sanitization

The doorway gates for the enclosures are heavily rusted. The rust prevents the proper cleaning and sanitizing of the primary enclosures. This can lead to the enclosures harboring disease causing agents which can sicken the dogs.

The rusted areas of the primary enclosures for the dogs must be repaired or replaced and maintained so that the areas can be readily cleaned and sanitized.

Correct by: July 21, 2009

3.2 (b)

INDOOR HOUSING FACILITIES.

Sec. 3.2 Indoor housing facilities.

(b) Ventilation. Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation.

The indoor facility had a very high, irritating level of ammonia upon first entry. Opening windows and using fans quickly reduced the ammonia to a more comfortable level. The facility had been closed up overnight which allowed the build-up of ammonia.

The build-up of ammonia is not only irritating to the animals but can also become a life-threatening situation if the levels become too high.

The facility needs to be maintained with sufficient ventilation at all times to prevent the build-up of ammonia in the

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LORI E LINN, A C I
ANIMAL CARE INSPECTOR

USDA, APHIS, Animal Care
Inspector 1090

Date:
Mar-23-2009

Title:

Received By:

(b) (6), (b) (7) (c)

Date:
Mar-23-2009

Title:



Inspection Report

AUG 09 2009

area.

Correct by: July 21, 2008.

3.6 (c) (1) (iii)

PRIMARY ENCLOSURES.

Sec. 3.6 Primary enclosures.

(c) Additional requirements for dogs--(1) Space

(iii) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position: Provided That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

There were two enclosures in the adult dog area that had a total of three dogs that were tall enough that when they stood in a normal stance, their heads touched the top of the enclosure. The enclosure must allow an additional 6 inches of head space to allow the animal freedom of movement within the enclosure.

The three dogs need to be housed in a primary enclosure which allows an additional 6 inches of headroom.

Correct by: January 26, 2009.

3.11 (a)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

Sec. 3.11 Cleaning, sanitization, housekeeping, and pest control.

(a) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily, and from

under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs

and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or

distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning. The pans under

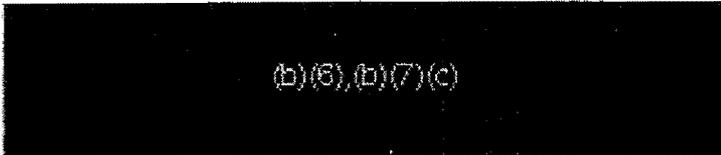
primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards pests,

Prepared By:

LORIE LINN, A C I USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 1080

Date:
Mar-23-2009

Received By:


(b) (6), (b) (7) (c)

Date:
Mar-23-2009



AUG 09 2009

Inspection Report

insects and odors.

There is accumulated grime under the enclosures in the adult dog area and on the support framework in the whelping area. The accumulated grime can attract pests and may harbor disease which can sicken the animals. There was a large pile of feces accumulated within one of the primary enclosures for the adult dogs. The accumulated grime can attract pests and may harbor disease which can sicken the animals.

The accumulated grime needs to be cleaned and the area maintained to prevent the future accumulation.

Correct by January 26, 2009

3.11 (d)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

Sec. 3.11 Cleaning, sanitization, housekeeping, and pest control

(d) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

On the floor near the entry way in the whelping area there is a large quantity of mouse feces along the wall. The presence of mice and the feces can cause disease in the animals.

As part of an adequate pest control program, the floor in the facility should be kept clean to prevent disease and eliminate the presence of mice.

Correct by: January 26, 2009

Inspection conducted on January 21, 2009 with owner and Lori Linn, ACI.
Exit interview conducted on January 22, 2009.

Prepared By:

LORI E LINN, A C I USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 1080

Date:
Mar-23-2009

Received By:

(b) (6), (b) (7) (c)

Date:
Mar-23-2009

Title:

The Animal Welfare Act

For more than a quarter of this century, the U.S. Department of Agriculture (USDA) has enforced the Animal Welfare Act (AWA) to protect certain animals from inhumane treatment and neglect. Congress passed the AWA in 1966 and strengthened the law through amendments in 1970, 1976, 1985, and 1990. The USDA's Animal and Plant Health Inspection Service (APHIS) administers the AWA, its standards, and its regulations.

The Law

The AWA requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures. Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards.

Exemptions

The AWA regulates the care and treatment of warmblooded animals, except those, such as farm animals, used for food, fiber, or other agricultural purposes.

Currently, coldblooded animals, such as snakes and alligators, are exempt from coverage under the Act. Retail pet shops are not covered under the Act unless the shop sells exotic or zoo animals or sells animals to regulated businesses. Animal shelters and pounds are regulated if they sell dogs or cats to dealers. Pets owned by private citizens are not regulated.

Pet Protection

To help prevent trade in lost or stolen animals, regulated businesses are required to keep accurate records of acquisition and disposition and a description of the animals that come into their possession. Animal dealers also must hold the animals that they acquire for a period of 5 to 10 days to verify their origin and allow pet owners an opportunity to locate a missing pet.

Animal Fighting

The AWA prohibits staged dogfights, bear or raccoon baiting, and similar animal fighting ventures.

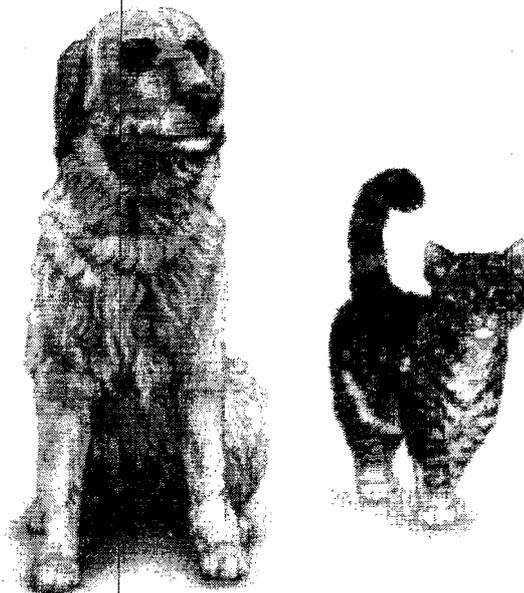
Licensing and Registration

The AWA also requires that all individuals or businesses dealing with animals covered under the law must be licensed or registered with APHIS.

Research Facilities

In addition to providing the required standards of veterinary care and animal husbandry, regulated research facilities must provide dogs with the opportunity for exercise and promote the psychological well-being of primates used in laboratories. Researchers must also give regulated animals anesthesia or pain-relieving medication to minimize the pain or distress caused by research if the experiment allows. The AWA also forbids the unnecessary duplication of a specific experiment using regulated animals.

Research facilities must establish an institutional animal care and use committee to oversee the use of animals in experiments. This committee is responsible for ensuring that the facility remains in compliance with the AWA and for providing documentation of all areas of compliance to APHIS. The committee must be composed of at least three members, including one veterinarian and one person who is not affiliated with the facility in any way.



The AWA also does not permit APHIS to interfere with research procedures or experimentation. Regulated research facilities include hospitals, colleges and universities, diagnostic laboratories, and many private firms in the pharmaceutical and biotechnology industries.

AWA Enforcement

APHIS ensures that all regulated commercial animal breeders, dealers, brokers, transportation companies, exhibitors, and research facilities are licensed or registered. APHIS also searches for unlicensed or unregistered facilities.

Before APHIS will issue a license, the applicant must be in compliance with all standards and regulations under the AWA. To ensure that all licensed and registered facilities continue to comply with the Act, APHIS inspectors make unannounced inspections at least once annually.

If an inspection reveals deficiencies in meeting the AWA standards and regulations, the inspector instructs the facility to correct the problems within a given timeframe. If deficiencies remain uncorrected at the unannounced followup inspection, APHIS documents the facility's deficiencies and considers possible legal action.



APHIS also conducts reviews and investigates alleged violations. Some cases are resolved with Official Notices of Warning or agency stipulation letters, which set civil penalties for the infractions. Civil penalties include cease-and-desist orders, fines, and license suspensions or revocations. If APHIS officials determine that an alleged AWA violation warrants additional action, APHIS submits all evidence to the USDA for further legal review.

Cooperation

In addition to conducting regular inspections, APHIS will perform inspections in response to public input about the conditions of regulated facilities. Concerned individuals also are encouraged to inform APHIS about facilities that should be licensed or registered.

Many State and local governments have passed additional animal welfare legislation. The public is encouraged to work with Federal, State, and local officials as well as local humane organizations to help eliminate inhumane treatment of animals.

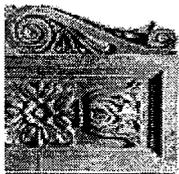
For more information about the Animal Welfare Act, write to:

Animal Care
APHIS, USDA
Unit 84
4700 River Road
Riverdale, MD 20737
Telephone: (301) 734-7833
E-mail: ace@usda.gov
Web page: <http://www.aphis.usda.gov/ac>

AUG 09 2010

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Jeremy E
Wood/NC/APHIS/USDA
08/16/2010 10:48 AM

To FOIA Officer/MD/APHIS/USDA@USDA
cc
bcc
Subject FOIA request rec'd in the ERO

Attached is a FOIA request rec'd in the ERO via mail.

Thanks,
Jeremy Wood
Program Assistant
AC East
(919) 855-7104
(919) 855-7123 (fax)

----- Forwarded by Jeremy E Wood/NC/APHIS/USDA on 08/16/2010 10:47 AM -----

From: "NCRADS01" <ncrap314@aphis.usda.gov>
To: "JEREMY WOOD" <jeremy.e.wood@aphis.usda.gov>
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